

### **REMARKS**

Claims 1-13 are pending.

Claims 9 and 11 are rejected for language problems. These have been corrected. To further explain:

In claim 9 the side panels which are referred to are the panels which are indicated by numeral 2B in the drawings, for example in Figure 1. The side panels are fixed to the load bin. The bars that are referred to are roll bars which are secured to the load bin floor or sides and which extend above the load bin rim. To clarify claim 9 the word -extending- is to be replaced with the word - extend- as per the accompanying amended claims.

In claim 11 the side panels which are referred to comprise side covers which may be extended from the cover to the load bin rim when the cover is in the raised position. These side covers would typically comprise canvas covers. These side covers normally do not extend from the cover over the load bin rim permanently, but extend only when the cover is raised above the load bin rim and then only if the side covers are, in the case of canvas side covers, rolled down. To clarify this, claim 11 is to be amended by replacing the phrase -being extendable- with the phrase -are extendable-, and the phrase -being securable- with the phrase -are securable-, as per the accompanying amended claims.

The allowability of the subject matter of claims 9 and 12-13 is noted. Each of claims 9 and 12 has been placed in independent form. Therefore, these claims should now be allowable.

Claim 1 has been amended to incorporate the subject matter of claims 3-5 which have been cancelled. Also added is the feature that the rotation point of the second end of rigid support to the bracket being lower in relation to the load bin than the rotation point of the second end of the collapsible support to provide a mechanical advantage for opening the cover.

New claims 14 and 15 have been added.

Claims 1-4 and 11 are rejected as being anticipated by Grotz, U.S. 3,202,455. Claims 5-8 and 10 are rejected over Grotz in view of Lathers, U.S. 6,217,102. Lathers is cited for teaching a truck bed cover section which is expandable to a raised horizontal position and includes a collapsible support 30 and a rail 4 with clips 50, a seal 43 and a lock release 36.

The Examiner's attention is directed to the mechanics of the respective opening mechanisms of Grotz and Lathers.

Grotz's device includes two rigid rotatable supports, located at the front end and rear of the load bin respectively. Having two rotatable supports forces the load bin to open in only one manner, that is, the cover 14 first has to be lifted up from the load bin before the structure can rotate around the pivot points on the struts.

This requires effort, which explains why Grotz used the lever 62 on the springs 50, 52 to impart an upward force on the cover 14, as he describes in column 14, lines 2-6. Without these springs and the lever it would be necessary to impart the force to the cover by hand.

It is impossible for Grotz's device to be lifted in any manner other than by rotating cover 14 relative to cover 12 around bar 32 with hinge pins 36. It would not be possible to keep cover portions 12 and 14 aligned horizontally and lift the cover from the load bin.

As to Lather, the various configurations disclosed allow the cover to be opened only in one of two possible ways. These two ways include a first way in which the cover is raised vertically from the load bin which keeps it alignment with the load bin the entire time. This is shown in Fig 5 of Lathers. The second way is shown in Figure 5a and this includes that the cover is rotatably connected to the front of the load bin and fore the cover to pivot around this point which raises the rear of the cover away from the load bin but keeps the front still secured to the load bin, in the fashion of opening a lid.

It is clear from the above that with the prior art devices it was possible to open a lid in one of two possible ways, which is to either lift the cover horizontally from the load bin (Grotz and Lathers Fig 5) or to rotate the lid around a pivot point at its front (Lathers Fig 5a).

The cover of the subject invention makes it possible to open a single cover in both these ways. As shown in the drawings of this application, it is possible to open the cover in the first of the two possible ways. It is further possible to open the cover in the second of the two possible ways by preventing the front and rear sections from rotating relatively to each other. This will allow the cover to be opened in a manner similar to that shown by Lathers in his Fig 5a. This may be achieved

by a simple modification which prevents the front (2) and rear (3) sections from rotating during opening.

Another advantage of the cover of the invention as claimed is that it can be opened using only a small amount of force. The cover disclosed by Grotz requires the use of force exerted through the lever to first lift the front portion (14) of his cover. In the applicant's cover the use of the slidable rear strut (14) and the telescopic front strut (12), and the relative positioning of these supports to each other allows the cover to open without almost no force, and certainly much less force than is required for Grotz's cover.

The use of only a relatively small amount of force to open the cover of the invention is achieved by locating the pivot point of the rear strut (14) to the bracket (11), slightly below the pivot point of the gas strut (12) to the side cover (2B). This can be seen in Figures 7 and 9. By locating the rear pivot point slightly below the front pivot point a mechanical advantage is achieved to open the cover.

Accordingly, claim 1 as amended sets forth a novel and advantageous cover that is not at all shown by the combination of Grotz and Lather. Therefore, claim 1 is clearly patentable and should be allowed. Claims 2, 6-8 and 10-12 depend, directly or indirectly, from claim 1 and set forth further novel features of the invention. Therefore, these claims also are allowable.

With respect to the comments in relation to claim 11, applicant wishes to draw the Examiner's attention to Fig. 1 of Grotz. The side panels 14 are the sides of the front and rear panels of Grotz's cover. These panels do not shield the interior of the load bin when the cover is in the raised position. The side panels which the applicant claims in claim 11 relates to side panels which may be extended from the cover's rear section to cover the gap between the raised rear section and the load bin when the rear section is in its raised position. The side panels are typically in the form of canvas panels which may be rolled down when the cover is open. This is described on page 8, lines 21-39.

New claim 14 depends from claim 1 and is directed to the feature of the invention wherein the front section of the cover is formed by a central portion and side portions, with the side portions to be fixed to the load bin and the central portion hinged to it. This permits the use of roll

bars that are mounted to the load bin through the side portions. This novel arrangement is not shown in the prior art. Therefore, claim 14 should be allowable. Claim 15 depends from claim 14 and sets forth that the cover front and rear sections are of rigid material.

The other art cited has been considered and is not deemed pertinent.

Prompt and favorable action is requested.

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